

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper ~~80~~ 35

By: Trial Section Merits Panel
Board of Patent Appeals and Interferences
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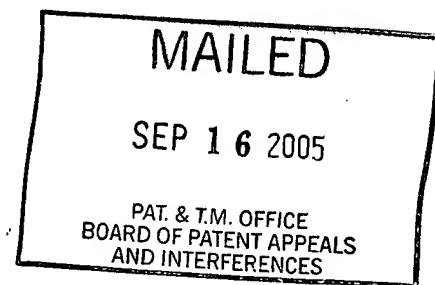
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

PECHINEY EMBALLAGE FLEXIBLE EUROPE
Junior Party,
U.S. Patent 6,437,064

v.

CRYOVAC, INC.
Senior Party,
Application 08/996,367
Application 09/583,654



Patent Interference No. 105,092

Before: McKELVEY, Senior Administrative Patent Judge, and SCHAFER and SPIEGEL, Administrative Patent Judges.

SPIEGEL, Administrative Patent Judge.¹

FINAL JUDGMENT - PRIORITY - Bd. R. 127(d)

¹ As part of the Board's efforts under the Government Paperwork Elimination Act, signatures on papers originating from the Board are being phased out in favor of a completely electronic record. Consequently, in this case papers originating at the Board will not have signatures. The signature requirements for the parties have not changed. See e.g., 37 C.F.R. § 10.18.

Upon consideration of "PECHINEY REQUEST FOR ADVERSE JUDGMENT"
(Paper 76) and our "DECISION - REHEARING - Bd. R. 125(c)" (Paper 88), it is

ORDERED that judgment on priority as to Count 1 (Paper 1, page 6), the sole
count in the interference, is awarded against junior party JOHN P. ECKSTEIN,
JOHNNY Q. ZHENG, MARK E. NORDNESS, KEITH D. LIND, GEORGE H. WALBURN,
MARY E. SHEPARD, GREGORY K. JONES and GREGORY J. SEEKE (**Pechiney**);

FURTHER ORDERED that junior party JOHN P. ECKSTEIN, JOHNNY Q.
ZHENG, MARK E. NORDNESS, KEITH D. LIND, GEORGE H. WALBURN, MARY E.
SHEPARD, GREGORY K. JONES and GREGORY J. SEEKE (**Pechiney**) is not entitled
to a patent containing claims 1-3, 6-19 and 22-39 (corresponding to Count 1) of U.S.
Patent No. 6,437,064;

FURTHER ORDERED that senior party KELLY R. AHLGREN, ROBERT
BABROWICZ, SOLOMON BEKELE, BLAINE C. CHILDRESS, MARVIN R. HAVENS,
RONALD MOFFITT, GAUTAM P. SHAH and GEORGE WOFFORD (**Cryovac**) is not
entitled to a patent containing claims 1, 3-5, 7, 10-14 and 20-26 of application
09/583,654;

FURTHER ORDERED that a copy of this paper, a copy of "ORDER – RULE
121(f)" (Paper 81) and a copy of "DECISION - REHEARING - Bd. R. 125(c)" (Paper 88)
shall be made of record in files of U.S. Patent No. 6,437,064 and U.S. applications
08/996,367 and 09/583,654; and

FURTHER ORDERED that if there is a settlement agreement which has not been filed, attention is further directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205.

<u>\ss\ Fred E. McKelvey</u>)	
FRED E. McKELVEY, Senior)	
Administrative Patent Judge)	
)	
<u>\ss\ Richard E. Schafer</u>)	BOARD OF PATENT
RICHARD E. SCHAFER)	APPEALS AND
Administrative Patent Judge)	INTERFERENCES
)	
<u>\ss\ Carol A. Spiegel</u>)	
CAROL A. SPIEGEL)	
Administrative Patent Judge)	

cc: (via overnight mail):

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